REMARKS

The present patent application has been reviewed in light of the office action, dated October 22, 2009, in which the claims 1-37 are rejected under 35 U.S.C. § 102(e) as being anticipated by Stein et al., U.S. Publication No. 2003/0008669 (hereinafter "Stein"). Reconsideration of the above-referenced patent application in view of the foregoing amendments and following remarks is respectfully requested.

Claims 1-37 are pending. Claims 1, 12-13, 17, 21, 26, 30, and 34 have been amended, without prejudice or disclaimer. Support for the claim amendments may be found in original claims 1, 12-13, 17, 21, 26, 30, and 34, as well as at paragraphs [0015]-[0017], and [0026]-[0028], for example..

Claim Rejections under 35 U.S.C. § 102(e)

Claims 1-37 are rejected under 35 U.S.C. § 102(e) as being anticipated by Stein. Assignee respectfully traverses these rejections.

To anticipate a claim, the reference must teach each and every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The applied document does not show each and every element of the claims. Stein appears to show a system for determining a position of a terminal under the coverage of a repeater in a wireless communication system. However, Stein does not disclose "receiving information in a wireless communication system from a repeater through a base station of a set

of base stations, the information being indicative of signals of said set of base stations detectable by said repeater" (emphasis added) as recited in amended claim 1. In the office action, the Examiner relies on paragraph [0004] for support for the Examiner's assertion that Stein discloses "the information being indicative of signals of a set of base stations that a repeater can detect" (page 3 of the final office action). Paragraph [0004] of Stein states:

> [0004] Many wireless communication systems employ repeaters to provide coverage for designated areas within the system or to extend the coverage of the system. For example, a repeater may be used to cover a particular area not covered by a base station due to fading conditions (i.e., a "hole" within the system). Repeaters may also be used to extend coverage into rural areas (e.g., along a freeway) that are outside the coverage area of the base stations. A repeater receives, conditions, and retransmits signals on both the forward link (i.e., the path from the base station to the mobile unit) and reverse link (i.e., the path from the mobile unit to the base station).

As can be seen from paragraph [0004], there is no mention of information identifying a set of base stations detectable by a repeater. Rather, the passage from paragraph [0004] appears to indicate that repeaters may receive and retransmit signals on forward and reverse links. There appears to be no disclosure of information identifying a set of base stations detectable by a repeater, as recited in amended claim 1.

Additionally, Stein does not disclose "updating a neighbor list based on the received information" as recited in claim 1. In the office action, the Examiner relies on paragraphs [0146], [0049], and [0108] of Stein to support the Examiner's assertion that the above elements of claim 1 are disclosed by Stein. Paragraph [0146] states:

> [0146] The techniques described herein may be advantageously used for position determination in indoor applications where signals from other base stations and/or GPS satellites may not be received and the coverage areas of the repeaters are typically small. The techniques described herein may also be used for outdoor applications. In an embodiment, an outdoor repeater may be calibrated to determine the delay associated with the repeater. The identifier signal transmitted by the outdoor repeater may be used to identify the specific repeater through which a repeated forward modulated signal is received by a terminal. The measurements for the terminal under this repeater's coverage may then be adjusted accordingly to obtain more accurate measurements. For example, the round trip delay (RTD) from the repeater location may be adjusted based on the delay associated with the repeater. The time offset at the terminal may also be updated to reflect the delay of the repeater, thus allowing for more accurate time reference for GPS measurements. The techniques described herein may also be used in cases where duplicate PNs are observed by a terminal.

In particular, the Examiner points to the passage in paragraph [0146] referring to "updated to reflect the delay of the repeater". However, such update refers to adjusting a time offset at a terminal, and there is no disclosure in paragraph [0146] of updating a neighbor list based on information identifying a set of base stations detectable by a receiver.

Paragraph [0108] of Stein appears to disclose that a neighbor list associated with a base station may include nearby base stations that are candidates for a handoff for a terminal. The terminal may be provided with the neighbor list associated with the base station with which it communicates, and the terminal may consult the neighbor list as the terminal searches for strong signals to determine whether or not a handoff is required. However, there is no disclosure in this paragraph of a neighbor list being updated with information regarding a set of base stations that are detectable by a repeater. Paragraph [0049] similarly does not disclose a

neighbor list being updated with information regarding a set of base stations that are detectable by a repeater.

Therefore, for at least these reasons, Stein does not anticipate claim 1.

Similarly, Stein does not disclose "identifying signals associated with a set of base stations that the repeater can detect" (emphasis added) in a method performed by a repeater, as recited in claim 6. In the office action, the Examiner relies on paragraph [0041] of Stein to support the Examiner's assertion that Stein discloses "a method executed in a repeater…, the method comprising: identifying signals associated with a set of base stations that the repeater can detect" (see page 4 of the office action). However, there appears to be no disclosure in paragraph [0041] of identifying base stations that a repeater can detect. Rather, the paragraph appears to be concerned with the identification of repeaters within a coverage area. Assignee respectfully submits that there is no disclosure in paragraph [0041] or anywhere else in Stein of a repeater identifying signals associated with a set of base stations that the repeater can detect, and Stein therefore does not anticipate claim 6.

Independent claims 12, 17, 21, 26, 30, 34, and 36 recite elements similar to those discussed above in connection with independent claims 1 and 6. Therefore, for at least these reasons, Stein does not anticipate each and every element of amended independent claims 1, 6, 12, 17, 21, 26, 30, 34, and 36. Stein further does not anticipate each and every element of claims 2-5, 7-11, 13-16, 18-20, 22-25, 27-29, 31-33, 35, and 37, which depend from claims 1, 6, 12, 17, 21, 26, 30, 34, and 36, respectively. Assignee respectfully requests the withdrawal of the rejections to claims 1-37.

Additionally, as described in an earlier response to a final office action, with respect to claim 3, Stein does not disclose "wherein the information identifies a set of phase offsets detected from the signals of the set of base stations" (emphasis added) as recited in claim 3. As described above, there is no disclosure in Stein of a repeater providing information regarding a set of base stations detectable by the repeater. Further, with respect to the recited elements of claim 3, there is no disclosure anywhere in Stein of a repeater providing a set of phase offsets detected from signals from the set of base stations detectable by the repeater. In the final office action, at page 4, the Examiner provides paragraph [0057] of Stein for support for the Examiner's assertion that Stein anticipates the above-recited elements of claim 3. However, as noted previously, paragraph [0057] describes the repeater as providing communication between one or more mobile terminals and a serving base station. Assignee respectfully submits that there is no disclosure in paragraph [0057] or anywhere else in Stein of a repeater providing a set of phase offsets detected from signals from the set of base stations detectable by the repeater, and Stein therefore does not anticipate claim 3. Claims 7, 14, 18, 23, 27, and 31 include elements similar to those recited in claim 3, and are therefore also not anticipated by Stein.

Further, with respect to claim 4, Stein does not disclose "wherein the information includes identification codes detected from the signals of the set of base stations" (emphasis added) as recited in claim 4. As described above, there is no disclosure in Stein of a repeater providing information regarding a set of base stations detectable by the repeater. Further, with respect to the recited elements of claim 4, there is no disclosure anywhere in Stein of a repeater providing identification codes detected from signals from the set of base stations detectable by the repeater. At page 4 of the final office action, the Examiner provides paragraphs [0051]-[0055] of Stein for support for the Examiner's assertion that Stein anticipates the above-recited elements of claim 4. However, paragraphs [0051]-[0055] of Stein describe using PN sequences

as identification codes for repeaters. There is no disclosure of a repeater providing identification codes detected from signals from the set of base stations detectable by the repeater. Assignee respectfully submits that there is no disclosure in paragraphs [0051]-[0055] or anywhere else in Stein of a repeater providing identification codes detected from signals from the set of base stations detectable by the repeater, and Stein therefore does not anticipate claim 4. Claims 8, 15, 19, 24, 28, and 32 include elements similar to those recited in claim 4, and are therefore also not anticipated by Stein.

CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue, or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Dated 2/17/10

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